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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,399	04/03/2001	Zulfiquar Sayeed	18	2947

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EXAMINER

WANG, TED M

ART UNIT PAPER NUMBER

2634

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/826,399	Applicant(s) SAYEED, ZULFIQUAR	
	Examiner Ted M. Wang	Art Unit 2634	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 10-17.  
Claim(s) objected to: 5, 7 and 8.  
Claim(s) rejected: 1-4, 6 and 9.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

SHUWANG LIU  
PRIMARY EXAMINER

*Shuwang Liu*

**Continuation Sheet (PTOL-303)**

***Response to Arguments***

1. Applicant's arguments, filed on 06/23/2005, with respect to claims 1-4, 6, and 9 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference to reasonably and properly meet the claimed limitations.

**Independent Claim 1**

(1) *Applicants' argument* – Claim 1 as amended previously, requires "adjusting said IF gain value based on said monitored RF amplifier gain adjustment by an amount approximately opposite to said RF gain value." Thus, Earls et al. do not disclose or suggest adjusting said IF gain value based on said monitored IF amplifier gain adjustment by an amount approximately opposite to said R.F gain value.

*Examiner's response* – In response to applicant's argument as described in the above paragraph, the cited Earls' patent teaches an adjust RF amplifier or wideband amplifier (Fig.1 element 14 and column 2 line 66 – column 3 line 7), an IF amplifier (Fig.1 element 22), a RF amplifier gain detector (Fig.1 elements 26 and 28 and column 3 lines 17-37), an IF amplifier gain detector (Fig.1 element 24 and column 3 lines 26-37), and a gain monitor and gain controller (Fig.1 element 30 and column 3 lines 38-52). As admitted by the applicant, the Earls' gain control operation comprising three steps (see FIG. 3).

Regarding the first step (entitled "SET WIDEBAND GAIN"), Earls teaches that the controller 30 reads the output from the wideband detector 26, 28 and sets a gain control value for the wideband (RF) variable gain input amplifier 14 in order to provide a nominal

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amplitude of the RF signal to the mixer stage 18. (Col. 3, lines 38-42.) This step teaches that the controller 30 monitor the wideband (RF) amplifier gain adjustment.

Regarding the second step (entitled "SET IF GA1N"), Earls teaches that the controller 30 reads the output from the IF detector 24 and sets a gain control value for the IF amplifier 22 to provide a maximum amplitude value for the IF signal to put it close to full scale for the analog-to-digital converter (W/D.I in the IF detector. (Col. 3, lines 43-47.) This step teaches that the controller 30 monitor the IF amplifier gain adjustment.

Regarding the third step (entitled "RE-OPTIMIZE WB AND IF GAINS"), Earls teaches that the respective gains of the wideband (RF) and IF amplifiers may be re-optimized by increasing the IF gain by the specified dBm and decreasing the wideband (RF) gain by the specified dBm **based on the comparison result of the RF amplifier gain** and IF amplifier gain (Col. 3, lines 47-64.) This step clearly teaches that **based on the monitored wideband (RF) amplifier gain and IF amplifier gain, the controller 30 will calculate the difference and compare with a threshold to adjust IF amplifier gain (increasing) with an amount approximately opposite to the wideband (RF) gain (decreasing)**. Thus, for the explanation addressed in the above paragraph, the rejection under 35 U.S.C. 102(e) with Earls' reference is adequate.

**Dependent Claims 2-4, 6, and 9**

(2) *Applicants' argument* – "Claims 2-9 are dependent on claims 1, respectively, and are therefore patentably distinguished over Earls et al., Okamoto, Marchok et al., and Baldwin et al. (alone or in any combination) because of their dependency from independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim." as recited.

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*Examiner's response* – The explanation has been addressed in the above paragraph, the rejection under 35 U.S.C. 103(a) with Earls et al., Okamoto, Marchok et al., and Baldwin et al. references is adequate.

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang  
Examiner  
Art Unit 2634

Ted M. Wang

**SHUWANG LIU**  
**PRIMARY EXAMINER**

